

STATEMENT OF PURPOSE

RS20850

This legislation repeals but consolidates Sections 18-2503, 18-2510 and 18-2511, Idaho Code, which each detail introducing some form of contraband into correctional facilities. A new Section 18-2510, Idaho Code, is created that more clearly defines activities related to introducing or possessing contraband in a correctional facility. Major contraband is defined, based on current contraband threats. Misdemeanor and felony-level penalties are provided for as determined by the type of contraband introduced or possessed. Application is to all adult and juvenile correctional facilities as defined in Section 18-101A, Idaho Code.

Contraband in juvenile, county and adult state correctional facilities presents a serious security risk. This legislation modernizes contraband language to include communication devices which allows persons to bypass security and engage in criminal activity inside and outside facility walls. The proposed Section 18-2510, Idaho Code, will enhance safety and security in correctional facilities statewide.

FISCAL NOTE

State prison staff seized eighteen (18) cell phones and intercepted fifteen (15) tobacco shipments that were over three (3) ounces during FY11. Cases involving seven offenders were substantial enough to have resulted in prosecution. Based on current seizures in state facilities, the fiscal impact would be \$134,955 the first year and reach \$302,486 in the fifth year after passage of the bill. The impact is based on FY11 costs of adult incarceration and supervision and assumes two years in prison followed by three years on parole for seven defendants. Juvenile corrections reports one cell phone seizure and no estimated fiscal impact.

Prisoners using smuggled cell phones have actively participated in drug trafficking and targeted hits on civilians in Idaho communities. A reduction in such criminal activity would reduce police, prosecutor and court costs.

Damages from a recent disturbance in a prison facility cost \$178,000. Contraband did not trigger that incident, but does destabilize institutions and create risk. Institution and community safety will be increased, and crime reduced, by redrafting this statute to address contraband concerns.

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